REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14, 16, and 17 are presently pending in this case. Claims 1, 13, 14, and 17 are amended by the present amendment. As amended Claims 1, 13, 14, and 17 are supported by the original claims, no new matter is added.

In the outstanding Official Action, Claims 1, 13, 14, and 17 are objected to; Claims 1-3, 13, 14, 16, and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Saito et al. (U.S. Patent Application Publication No. 20010018685, hereinafter "Saito") in view of Hane et al. (U.S. Patent Application Publication No. 20020157096, hereinafter "Hane") and further in view of Miller et al. (U.S. Patent Application Publication No. 20050185055, hereinafter "Miller"); and Claims 4-12 were rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Hane and further in view of Miller and Platt (U.S. Patent No. 6,987,221).

With regard to the objection to Claims 1, 13, 14, and 17, Claims 1, 13, 14, and 17 are amended to spell out the word "identification" the first time the term "ID" is used, as requested in the outstanding Office Action. Accordingly, the objection to Claims 1, 13, 14, and 17 is believed to be overcome.

With regard to the rejection of Claim 1 as unpatentable over Saito in view of Hane and further in view of Miller, that rejection is respectfully traversed.

Claim 1 recites in part:

> generating means for generating user preference information indicating preferences of a user based on the use frequency calculated by said calculating means, said generating means generating user preference information based on a ***normalized*** use frequency for each group, ***said normalized use frequency normalized based on use frequencies of all contents in each respective group delivered during a time period corresponding to a use history***.

The outstanding Office Action conceded that Saito and Hane do not teach generating user preference information based on a normalized use frequency, and cited Miller as describing this feature.[1] Miller describes a camera that keeps track of contrast settings over a group of different scenes and develops a preferred contrast setting. Miller states a preferred contrast setting is set to the value most often selected by the user.[2] In contrast, the claimed invention recites generating means generating user preference information based on a ***normalized*** use frequency. As described in the present specification at page 19, attempting to use a simple use frequency may not accurately reflect a user's preferences due to disproportionate content selection. Accordingly, to make sure the generated preference information is always reflective of the user's preferences, normalized use frequencies are used in the claimed invention. Not only does Miller fail to describe the use of normalized use frequencies, Miller explicitly describes using the simple use frequency. Accordingly, not only does Miller fail to teach or suggest the above highlighted feature of the claimed invention, Miller explicitly teaches to the contrary. For example, if the digital camera of Miller is used in very dark settings for the first few scenes, an extreme contrast level will be chosen for this very dark setting. When the user changes to a lighter setting, the extreme contrast level for the dark setting will be considered the "preferred" due to lack of normalization of the use frequency. Therefore, Miller does not teach or suggest a ***normalized*** use frequency for each group ***based on use frequencies of all contents*** in each respective group ***delivered during a time period corresponding to a use history***.

Accordingly, it is respectfully submitted that the proposed combination of Saito, Hane, and Miller does not teach or suggest "generating means" as defined in Claim 1. Consequently, Claim 1 (and Claims 2-12 and 16 dependent therefrom) is patentable over Saito in view of Hane and further in view of Miller.

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[1]See the outstanding Office Action at pages 4-5.
[2]See Miller, paragraph 37.

Claims 13 and 14 recite in part:

> generating user preference information indicating preferences of a user based on the use frequency calculated in said calculating, said generating including generating user preference information based on a ***normalized use frequency*** for each group, said ***normalized use frequency normalized based on use frequencies of all contents in each respective group delivered during a time period corresponding to a use history***.

As noted above, Miller fails to describe generating user preference information based on ***normalized*** use frequencies, and in fact explicitly describes using a simple use frequency. Accordingly, not only does Miller fail to teach or suggest the above highlighted feature of the claimed invention, Miller explicitly teaches to the contrary. Thus, it is respectfully submitted that the proposed combination of Saito, Hane, and Miller does not teach or suggest "generating user preferences" as defined in Claims 13 and 14. Consequently, Claims 13 and 14 are also patentable over Saito in view of Hane and further in view of Miller.

Claim 17 recites in part:

> a preference generating unit configured to generate user preference information indicating preferences of a user based on the use frequency calculated by said calculating unit, said preference generating unit configured to generate user preference information based on a normalized use frequency ***for each group***, said normalized use frequency normalized based on use frequencies of all contents ***in each respective group*** delivered during a time period corresponding to a use history.

As noted above, Miller fails to describe a device that generates user preference information based on ***normalized*** use frequencies, and in fact the device described by Miller only using a simple use frequency. Accordingly, not only does Miller fail to teach or suggest the above highlighted feature of the claimed invention, Miller explicitly teaches to the contrary. Thus, the proposed combination of Saito in view of Hane and further in view of Miller does not teach or suggest "a preference generating unit" as defined in Claim 17.

Consequently, Claim 17 is also patentable over Saito in view of Hane and further in view of Miller.

With regard to the rejection of Claims 4-12 as unpatentable over Saito in view of Hane and Miller and further in view of Platt, it is noted that Claims 4-12 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Platt does not cure any of the above-noted deficiencies of Saito, Hane, and Miller. Accordingly, it is respectfully submitted that Claims 4-12 are patentable over Saito in view of Hane and Miller and further in view of Platt.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Edward Tracy

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward W. Tracy, Jr.
Registration No. 47,998

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

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